

SECOND REGULAR SESSION

SENATE BILL NO. 703

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CASKEY.

Pre-filed December 1, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

2947S.04I

AN ACT

To repeal section 452.455, RSMo, and to enact in lieu thereof one new section relating to collection of past due child support.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 452.455, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 452.455, to read as follows:

452.455. 1. Any petition for modification of child custody decrees filed under the provisions of section 452.410, or sections 452.440 to 452.450, shall be verified and, if the original proceeding originated in the state of Missouri, shall be filed in that original case, but service shall be obtained and responsive pleadings may be filed as in any original proceeding.

2. Before making a decree under the provisions of section 452.410, or sections 452.440 to 452.450, the litigants, any parent whose parental rights have not been previously terminated, and any person who has physical custody of the child must be served in the manner provided by the rules of civil procedure and applicable court rules and may within thirty days after the date of service (forty-five days if service by publication) file a verified answer.

If any of these persons is outside this state, notice and opportunity to be heard shall be given pursuant to section 452.460.

3. When a person filing a petition for modification of a child custody decree owes past due child support to a custodial parent, such person shall post a bond in the amount of past due child support owed as ascertained by the division of child support enforcement or reasonable legal fees of the custodial parent, whichever is greater, before the filing of the petition. The court shall hold the bond in escrow

until the modification proceedings pursuant to this section have been concluded wherein such bond shall be transmitted to the division of child support enforcement for disbursement to the custodial parent.

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